

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 21-0033-I
)	
SCOTT SPENCER,)	
)	
Respondent.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Scott Spencer, acknowledges that he has received and reviewed a copy of the legal complaint filed by the Petitioner in this case, and he submits to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of

Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission (MEC) is an agency of the State of Missouri established pursuant to § 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. Scott Spencer (“Respondent”) was a successful candidate for the office of Jefferson City, Missouri, City Council Member for the 3rd Ward in the April 6th, 2021 general municipal election.

3. According to the United States Census Bureau, as of April 1st, 2020, the population of Jefferson City was 43,228.²

4. Pursuant to § 105.961, RSMo, the Commission’s staff investigated allegations contained in a complaint that was filed with the Commission and subsequently reported the findings to the Commission.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2017).

² See:

<https://www.census.gov/quickfacts/fact/table/jeffersoncitycitymissouri/POP010220#POP010220>

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of the law had occurred and ordered that a hearing in this matter be conducted pursuant to § 105.961.3, RSMo.

6. Respondent used \$991.80 of his own funds to purchase printed campaign materials and t-shirts as well as Facebook advertisements and a web domain registration in support of his candidacy. Respondent also received an in-kind contribution in support of his candidacy valued at no less than \$200.00 in the form of website design services. The aggregate value of these contributions exceeded \$1,000.00.

7. Because Respondent failed to register a candidate committee with the MEC, he did not file any required disclosure reports, and thus, he also failed to report both contributions and expenditures to his campaign as required.

JOINT PROPOSED CONCLUSIONS OF LAW

8. Pursuant to § 130.016.6, RSMo, “No candidate for . . . municipal office in a city of one hundred thousand or less . . . shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate’s knowledge and consent in support of the person’s candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed three hundred twenty-five dollars.”

9. Pursuant to § 130.011(12)(a), RSMo, a contribution “includes but is not limited to:
(a) A candidate’s own money or property used in support of the person’s candidacy other than

expensed of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office[.]”

10. An in-kind contribution is a “contribution . . . in a form other than money [.]”
§ 130.011(19), RSMo.

11. “If any candidate for office listed in subsection 7 of this section exceeds the [contribution or expenditure] limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.”
§ 130.016.7, RSMo.

12. Section 130.021.5, RSMo states that “any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer with in twenty days after the person or organization becomes a committee but no later than the date for filing the first report required pursuant to the provisions of section 130.046.”

13. There is probable cause to believe that Respondent violated § 130.021.5, RSMo, by failing to file a Statement of Committee Organization with the MEC after the aggregate of his contributions and expenditures for his campaign for City Council exceeded \$1,000.00.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. Prior to finalizing settlement, Respondent would be required to file Non-Committee Expenditure reports disclosing his expenditures and contributions.
3. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$100.00 within forty-five days after the date of the Consent Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Regardless of the stay in paragraph 3.b above, if Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there was probable cause to believe that Respondent has committed such a violation.
4. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the legal complaint filed by the Petitioner in the above action.
5. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from

any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of this case.

RESPONDENT SCOTT SPENCER

PETITIONER MISSOURI ETHICS
COMMISSION

By: Scott Spencer 10-20-21 By: Elizabeth L. Ziegler 10/20/21
Scott Spencer Date Elizabeth L. Ziegler
Executive Director Date

By: Kyle E. Cronin 10/20/21
Kyle E. Cronin Date
Commission Counsel

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed

OCT 21 2021

Missouri Ethics
Commission

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v.)	
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Respondent.)	

CONSENT ORDER

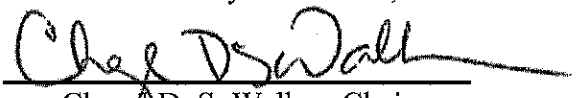
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that there is probable cause to believe that Respondent violated Section 130.021.5, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$1,000.00, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$100.00 of that fee within forty-five days after the date of this Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Regardless of the stay in paragraph 2 above, if Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two year period from the date of this Order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that there was probable cause to believe Respondent has committed such a violation.

SO ORDERED this 21st day of October, 2021

By:


Cheryl D. S. Walker, Chair
Missouri Ethics Commission